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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,402	10/25/2001	William T. Bodenhamer	1965.021	1614

21917 7590 11/05/2003

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EXAMINER

CHIN, CHRISTOPHER L

ART UNIT	PAPER NUMBER
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1641

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
10/002,402

Applicant(s)
Bodenhamer et al

Examiner
Chris Chin

Art Unit
1641



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 22, 2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above, claim(s) 14-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 17, and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claims 1-18 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 6 6) ☐ Other:

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DETAILED ACTION

Election/Restriction

1. Applicant's election without traverse of Group I - claims 1-13 and 17-18 in Paper No. 10 is acknowledged.

Claim Rejections - 35 U.S.C. § 112

2. Claims 1-13 and 17-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is vague and indefinite. In line 8, the recitation of "adapted to" is not clear as to how the matrix has been modified to immobilize the biologically active ligand to the substrate. The claim is also vague as to what biological activity is maintained by the matrix. The last three lines of the claim is not clear as to how the ligand is "constructed and arranged" to produce a visual indication.

Claim 9 is vague and indefinite. In lines 6-7, the recitation of "adapted to" is not clear as to how the scavenger antibody has been modified to be immobilized on the substrate. The claim is also not clear as to what is the "threshold concentration". The last part of the claim is also not clear as to how the ligand is prevented from binding with a detector antibody until the concentration of the toxic substance surpasses the threshold concentration.

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Claim 10 is vague. In lines 5-6, the recitation of "the genetic characteristics" lacks antecedent support. In line 7, the recitation of "mutations thereof" is vague and indefinite as to what mutations are being referred to.

Claim 17 is vague and indefinite. In line 8, the recitation of "adapted to" is not clear as to how the matrix has been modified to immobilize the biologically active ligand to the substrate. The claim is also vague as to what biological activity is maintained by the matrix. The last three lines of the claim is not clear as to how the ligand is "constructed and arranged" to produce a visual indication.

Claim 18 is vague and indefinite. In line 6, the recitation of "adapted to" is not clear as to how the matrix has been modified to immobilize the biologically active ligand to the substrate. The claim is also vague as to what biological activity is maintained by the matrix. The last three lines of the claim is not clear as to how the ligand is "constructed and arranged" to produce a visual indication.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following U.S. Patents disclose gloves, i.e. articles of manufacture, that can detect various substances:

3,672,351; 4,473,079; 5,650,329; and 5,976,881

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Chin whose telephone number is (703) 308-3991. The examiner can normally be reached on Monday-Thursday from 10:00 am to 7:30 pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le, can be reached on (703) 305-3399.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

cchin/cc
November 2, 2003

Christopher L. Chin
CHRISTOPHER L. CHIN
PRIMARY EXAMINER
GROUP 1800-1641